

R430-90-8, R430-50-8. ADMINISTRATION.

Licensed Family 90-8:

- (1) The licensee is responsible for all aspects of the operation and management of the child care program.

Residential Certificate 50-8:

- (1) The certificate holder is responsible for all aspects of the operation and management of the child care program.

Rationale / Explanation

The licensee/certificate holder may delegate responsibilities under this rule to a designee. However, ultimate responsibility for compliance with all licensing/certificate rules rests with the licensee/certificate holder. The licensee/certificate holder must ensure that he or she has adequate oversight of the designee to whom duties have been delegated, in order to ensure that the delegated duties are completed as assigned.

Enforcement

The non-compliance level depends on the non-compliance of the rule found out of compliance. Check with the Bureau Director before citing this rule.

Licensed Family 90-8:

- (2) The licensee shall comply with all federal, state, and local laws and rules pertaining to the operation of a child care program.

Residential Certificate 50-8:

- (2) The certificate holder shall comply with all federal, state, and local laws and rules pertaining to the operation of a child care program.

Rationale / Explanation

This rule is intended to address problems which are not already addressed in other child care licensing/certificate rules, but which involve the violation of a federal, state, or local law or administrative rule of another agency that applies to the operation of a child care program

Enforcement

This rule is cited only when there is not another licensing/certificate rule that addresses a problem. The noncompliance level depends on the law or rule found out of compliance. The Bureau will compare the seriousness of the law or rule violated with the noncompliance levels of the most similar child care licensing/certificate rules. Check with the Bureau Director before citing this rule.

Licensed Family 90-8:

- (3) The licensee shall not engage in or allow conduct that is adverse to the public health, morals, welfare, and safety of the children in care.

Residential Certificate 50-8:

- (3) The certificate holder shall not engage in or allow conduct that is adverse to the public health, morals, welfare, and safety of the children in care.

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Rationale / Explanation

This rule is intended to address problems which are not already specifically mentioned in other child care licensing rules, but which jeopardize children's well-being.

Enforcement

This rule is cited only when there is not another licensing/certificate rule that addresses a problem. The noncompliance level depends on the law or rule found out of compliance. The Bureau will compare the seriousness of the law or rule violated with the noncompliance levels of the most similar child care licensing/certificate rules. Check with the Bureau Director before citing this rule.

Licensed Family 90-8:

- (4) The licensee shall take all reasonable measures to protect the safety of each child in care. The licensee shall not engage in activity or allow conduct that unreasonably endangers any child in care.

Residential Certificate 50-8:

- (4) The certificate holder shall take all reasonable measures to protect the safety of each child in care. The certificate holder shall not engage in activity or allow conduct that unreasonably endangers any child in care.

Rationale / Explanation

This rule is intended to address problems which may arise that are not specifically mentioned in other child care licensing rules, but which jeopardize children's safety.

Enforcement

This rule is cited only when there is not another licensing/certificate rule that addresses a problem. The noncompliance level depends on the problem. The Bureau will compare the seriousness of the problem with the noncompliance levels of the most similar child care licensing/certificate rules. Check with the Bureau Director before citing this rule, except in the case of open unscreened windows in R430-90-4(4) or R430-50-4(4).

Level 1D Noncompliance Level for second floor windows.

Level 2D Noncompliance for first floor windows.

Licensed Family 90-8:

- (5) Either the licensee or a substitute with authority to act on behalf of the licensee shall be present whenever there is a child in care.

Residential Certificate 50-8:

- (5) Either the certificate holder or a substitute with authority to act on behalf of the certificate holder shall be present whenever there is a child in care.

Rationale / Explanation

The purpose of this rule is to ensure that there is always a qualified individual on-site who assumes responsibility

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for the protection of children's health and safety.

Enforcement

If the child care provider fails to comply with one or more rules (due to an absent licensee/certificate holder or substitute), the noncompliance level depends on the rule(s) that was out of compliance.

Licensed Family 90-8:

- (6) Each week, the licensee shall be present at the home at least 50% of the time that one or more children are in care.

Residential Certificate 50-8:

- (6) Each week, the certificate holder shall be present at the home at least 50% of the time that one or more children are in care.

Rationale / Explanation

The well-being of the children in the home depends largely upon the knowledge, skills, and dependable presence of a licensee/certificate holder who is able to respond to long-term and immediate needs, and who is able to make appropriate decisions to protect the health and safety of the children in care.

Enforcement

Always Level 3D Noncompliance.

Licensed Family 90-8:

- (7) There shall be a working telephone in the home. The licensee shall inform the parents of each child in care and the Department of any changes to the licensee's telephone number within 48 hours of the change.

Residential Certificate 50-8:

- (7) There shall be a working telephone in the home. The certificate holder shall inform the parents of each child in care and the Department of any changes to the certificate holder's telephone number within 48 hours of the change.

Rationale / Explanation

The purpose of the rule is to ensure that the licensee/certificate holder can contact the parents of children in care, that the parents of children in care can contact the licensee/certificate holder, and that the licensee/certificate holder can always contact emergency personnel (fire, police, ambulance, etc.) if needed. CFOC, pg. 222 Standard 5.084

Enforcement

Level 1D Noncompliance: If there is no working telephone in the home.

Level 3D Noncompliance: If the home has a working telephone, but does not notify parents or the department of a change in phone number.

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Licensed Family 90-8:

- (8) The licensee shall call the Department within 24 hours to report any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, unless an emergency medical transport was part of a child's individualized medical treatment plan identified by the parent. The licensee shall also mail or fax a written report to the Department within five days of the incident.

Residential Certificate 50-8:

- (8) The certificate holder shall call the Department within 24 hours to report any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, unless an emergency medical transport was part of a child's individualized medical treatment plan identified by the parent. The certificate holder shall also mail or fax a written report to the Department within five days of the incident.

Rationale / Explanation

The purpose of this rule is so that the Department can work with licensees/certificate holders to correct unsafe or unhealthy conditions and to prevent future or additional harm to children. CFOC, pgs. 141-142 Standard 3.089

Enforcement

For the purposes of this rule, emergency medical response means a call to 911 (or the police, ambulance, or fire department, if any of these are called because of an injury to a child).

Attention from a health care provider means a visit to a hospital or doctor. Licensees/certificate holder's must report injuries that require attention from a health care provider as soon as they become aware of the visit to the health care provider (for example, in situations where the parent took the child to a health care provider after leaving the home).

Always Level 4 Noncompliance.

Licensed Family 90-8:

- (9) The licensee shall establish, and shall ensure that all providers follow, written policies and procedures for the health and safety of each child in care. The written policies and procedures shall address at least the following areas:
- (a) direct supervision and protection of each child at all times, including when he or she is sleeping, outdoors, and during off-site activities;
 - (b) procedures to account for each child's attendance and whereabouts;
 - (c) the licensee's policy and practices regarding sick children, and whether they are allowed to be in care;
 - (d) recognizing early signs of illness and determining when there is a need for exclusion from care;
 - (e) discipline of children, including behavioral expectations of children and discipline methods used;
 - (f) transportation to and from off-site activities, or to and from home, if the licensee offers these services; and
 - (g) if the program offers transportation to or from school, policies addressing:
 - (i) how long a child will be unattended by a provider before school starts and after school lets out;

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- (ii) what steps will be taken if a child fails to meet the vehicle; and
- (iii) how and when parents will be notified of delays or problems with transportation to and from school.

Rationale / Explanation

The purpose of this rule is to ensure that licensees have written policies in place to protect children's health and safety. An organized, comprehensive approach to ensuring children's health and safety is necessary in child care programs. Such an approach requires written plans, policies, and procedures, and adequate record-keeping so that there is consistency over time and across staff, as well as an understanding between parents and caregivers. This allows clear expectations to be communicated to staff, and helps licensees train and hold staff responsible for following the written policies. CFOC, pgs. 334-336 Standards 8.004, 8.005; pg. 337 Standard 8.008; pg. 338 Standard 8.010.

Enforcement

This rule is cited if the provider does not have any written policies, or has them but does not follow them.

Level 2D Noncompliance for (g).

Level 3D Noncompliance for (a)-(f).

Licensed Family 90-8:

- (10) The licensee shall ensure that the written policies and procedures are available for review by parents and the Department during business hours.**

Rationale / Explanation

Current information on health and safety practices that is developed cooperatively among caregivers and parents invites better compliance with health and safety procedures. CFOC, pg. 355 Standard 8.040.

Access to these written policies by parents and staff is important to ensure that all parties understand the licensee's policies and expectations, and to help staff remember and follow the policies. Review of the written policies by the Department is used to determine, in part, the licensee's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057

Enforcement

Always Level 4 Noncompliance.

Licensed Family 90-8:

- (11) The licensee shall train and supervise all caregivers and substitutes to:**
- (a) ensure their compliance with this rule;**
 - (b) ensure they meet the needs of the children in care as specified in this rule; and**
 - (c) ensure that children are not subjected to emotional, physical, or sexual abuse while in care.**

Residential Certificate 50-8:

- (9) The certificate holder shall train and supervise all substitutes to:**
- (a) ensure their compliance with this rule;**

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- (b) ensure they meet the needs of the children in care as specified in this rule; and
- (c) ensure that children are not subjected to emotional, physical, or sexual abuse while in care.

Rationale / Explanation

The purpose of this rule is to ensure that all providers have the training and ongoing supervision needed to ensure they protect children's health and safety as required in the licensing rules. CFOC, pgs. 17-19 Standard 1.023; pg. 21 standard 1.025; pgs. 41-42 Standards 1.051, 1.052, 1.054, 1.055, 1.056

Enforcement

If caregivers are trained to report suspected child abuse and neglect to the licensee/certificate holder, and then the caregiver and the licensee/certificate holder together report to CPS or the police, this is acceptable.

Level 1A Noncompliance: If a caregiver is not adequately trained or supervised to comply with any rule and a child is harmed as a result of this. Check with the Bureau Director before citing.

Level 3D Noncompliance otherwise. Check with the Bureau Director before citing.